

THE HONORABLE JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD L. AHEARN, Regional Director of the
Nineteenth Region of the National Labor
Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

INTERNATIONAL LONGSHORE and WAREHOUSE
UNION, LOCAL 21

Respondent

and

INTERNATIONAL LONGSHORE and WAREHOUSE
UNION, LOCAL 4

Respondent

Civil No. 3:11-CV-05684-RBL

(PROPOSED) AMENDED
ORDER ADJUDICATING
RESPONDENTS IN
CIVIL CONTEMPT

ANNE P. POMERANTZ, Regional Attorney, Region 19
DANIEL SANDERS, Attorney, Region 19
JOHN FAWLEY, Attorney, Region 19
HELENA FIORIANTI, Attorney, Sub-Region 36

NATIONAL LABOR RELATIONS BOARD, Region 19
915 Second Avenue, Room 2948
Seattle, Washington 98174, Telephone: (206) 220-6301

(PROPOSED) AMENDED ORDER ADJUDICATING
RESPONDENTS IN CIVIL CONTEMPT

Based on the verified Petition of Richard L. Ahearn ("Petitioner"), Regional Director of Region 19 of the National Labor Relations Board (the "Board"), for a temporary restraining order and preliminary injunction this Court issued a Temporary Restraining Order ("TRO") on September 1, 2011, pursuant to Sections 10(j) and (l) of the National Labor Relations Act (the "Act"), as amended, 29 U.S.C. §§ 160(j) and (l), and a Preliminary Injunction pursuant to § 10(j) of the Act on September 8, 2011. After hearing testimony and argument on September 15, 2011, regarding allegations of civil contempt of the TRO, the Court found Respondent International Longshore and Warehouse Union, Local 21 ("Local 21"), Respondent International Longshore and Warehouse Union, Local 4 ("Local 4"), and their International, the International Longshore and Warehouse Union (collectively, "Respondents"), in civil contempt the TRO. An Order issued that same date setting forth that the remedy and other consequences of the finding of contempt would be addressed by the Court at hearing September 30, 2011.

Now, therefore, upon the entire record, the lack of assurances provided by Respondents that they will heed this Court's directives, the severity of the conduct in contempt of this Court's Order and the extensive damages caused by that contumacious conduct, as well as the subsequent filing on September 26, 2011 seeking a finding of Respondents' contempt of the preliminary injunction,

IT IS ORDERED, ADJUDGED, AND DECREED that, having been found to be in civil contempt of this Court's September 1, 2011 TRO, Respondents, their officers, members, agents, representatives, servants, employees, and attorneys, and all persons

1 acting in concert or participation with them, shall purge themselves of contempt and
2 shall:

3 (1) fully comply with all the terms of this Court's September 1, 2011 TRO,
4 this Court's September 8, 2011 Preliminary Injunction, and any
5 subsequent or further injunction entered in this case, as well as this
6 Amended Order Adjudicating Respondents in Civil Contempt;

7 (2) within twenty-four (24) hours of the issuance of this Order, sign a Notice
8 approved by this Court which shall: state that Respondents were found
9 in contempt of the September 1, 2011 TRO, denounce and disavow the
10 unlawful conduct; explain the terms of the TRO, subsequent preliminary
11 injunction, and this Amended Order; and direct all of Respondents'
12 officers, members, agents, representatives, servants, employees, and
13 attorneys, and all persons acting in concert or participation with them to
14 refrain from similar conduct; and

15 (3) provide each of their officers, representatives, employees, agents and
16 members and picketers/protestors, and any other persons acting in
17 concert or participation with them, including any sister locals,
18 participating at any picketing or at any demonstrations pertaining to
19 Respondents' dispute with EGT, whether at or near the roads or gates
20 leading into the EGT facility at the Port of Longview, at or near the
21 facility, or at any other location wherever located, as well as any person
22 doing business with EGT, with a copy of the Court-approved Notice and
23 of any and all orders of this Court in these proceedings;

1 (4) file affidavits of compliance with the Court, with copies served
2 simultaneously on the Petitioner, within five (5) days, stating with
3 specificity how Respondents have complied with this Order, including
4 how and to whom copies of the Notice and this Order have been
5 provided; and

6 (5) comply with any further relief of a remedial nature that this Court deems
7 necessary to coerce future compliance.

8 **IT IS FURTHER ORDERED** that to ensure future compliance with this Order, the
9 September 1, 2011 TRO, the September 8, 2011 preliminary injunction, and any subsequent
10 injunction, the Court hereby imposes suspended compliance fines against Respondents, their
11 officers, members, agents, representatives, servants, employees, and attorneys, and all persons
12 acting in concert or participation with them, in the amounts set forth in detail below.

13 (1) \$25,000 for any future violation by any of Respondents of the Court's Preliminary
14 Injunction and/or any other order of this Court;

15 (2) \$5,000 by individual officers of any of Respondents for any future violation of the
16 Court's Preliminary Injunction and/or any other order of this Court; and

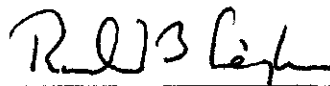
17 (3) \$2,500 per person for any individual acting in violation of the Court's Preliminary
18 Injunction and/or any other order of this Court.

19 **IT IS FURTHER ORDERED** that, upon the failure of Respondents, any of their officers,
20 members, agents, representatives, servants, employees, and attorneys, and all persons acting in
21 concert or participation with them, to comply with any of the terms of this Amended Order
22 Adjudicating Respondents in Civil Contempt, or of any further breach of this Court's September
23 8, 2011 preliminary injunction or any other order of this Court, the Court will, upon motion by

Petitioner, rescind the suspension and impose the stated fines upon Respondents, their officers, members, agents, representatives, servants, employees, and attorneys, and all persons acting in concert or participation with them.

IT IS SO ORDERED.

DATED at Tacoma, Washington this 30th day of September 2011.



UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Anne Pomerantz

/s/ Daniel Sanders

/s/ John Fawley

/s/ Helena Fiorianti

Anne Pomerantz, CA Bar 204059; NY Bar 2398428

Daniel Sanders, WA Bar 3679

John Fawley, MA Bar 160410

Helena Fiorianti, NJ Bar 2006-00127; NY Bar 4442786

National Labor Relations Board

915 2nd Ave, Suite 2948

Seattle, WA 98174

Telephone (206) 220-6301

Fax: (206) 220-6305

Email: Anne.Pomerantz@nrlrb.gov

Daniel.Sanders@nrlrb.gov

John.Fawley@nrlrb.gov

Helena.Fiorianti@nrlrb.gov

Counsel for Petitioner